

THE UNLAWFULNESS OF PRIVATE
REVENGE.

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S E R M O N

PREACHED AT THE

A S S I Z E S

AT THE ASSIZES HELD IN THE

W I N C H E S T E R,

BEFORE THE HONOURABLE

MR. B A R O N A D A M S,

A N D

MR. J U S T I C E A S H U R S T,

ON TUESDAY, JULY 27, 1773.

By JOHN COOKE, B.D.
FELLOW OF CORPUS CHRISTI COLLEGE, OXFORD.

PUBLISHED AT THE REQUEST OF THE JUDGES,
THE HIGH-SHERIFF, AND THE GENTLEMEN
OF THE GRAND JURY.

O X F O R D :

AT THE CLARENDON PRESS, M.DCC.LXXXIII.

SOLD BY SACKVILLE PARKER AND DANIEL PRINCE;
BY JOHN AND FRANCIS RIVINGTON, IN LONDON;
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BY JOHN COOKE, B.D.
Lecturer on Extra Classical Literature, Oxford.
Lectures at the University of the Home
The Home-Scholars, and the Gentlemen
of the University, NEW YORK.

: C H O E X O

AT THE CALIFORNIA PRESS, 1860-1861.
BY JOHN AND DUNCAN TURNER,
AND SACKVILLE TURNER; WITH
A HISTORY OF THE CALIFORNIA
MINING DISTRICT; AND
A HISTORY OF THE
CITY OF SAN FRANCISCO.

TO
THE HON. MR. BARON ADAMS,
THE HON. MR. JUSTICE ASHURST;
SIR RICHARD WORSLEY, BART.,
HIGH SHERIFF;

AND
THE GENTLEMEN OF THE GRAND JURY,
HON. THOMAS WOODS KNOLLIS, Foreman;
HON. JOHN LUTTRELL;
SIR WILLIAM OGLANDER, BART.
SIR THOMAS HEATHCOTE, BART.
SIR PAULET ST. JOHN, BART.
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HENRY HERBERT H. HARMWOOD, Esqrs.

THE FOLLOWING DISCOURSE,
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THE AUTHOR.

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HON. HERBERT

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ROM. Chap. xii. Ver. 19.

DEARLY BELOVED, AVENGE NOT YOURSELVES, BUT RATHER GIVE PLACE UNTO WRATH: FOR IT IS WRITTEN, VENGEANCE IS MINE; I WILL REPAY, SAITH THE LORD.

CHRISTIANITY never appears in a more advantageous point of view to engage the attention of mankind, than when considered as bespeaking that attention, by the affectionate regard it expresses for the social interests, welfare, and happiness of this present life. *That which is to come* is undoubtedly the primary object of it's institution; but the several duties relating to both are so closely connected and interwoven, that the hopes of enjoying the promises, and felicity of either, are inseparable, and, founded on the same principle of Gospel-obedience, must stand or fall together. The glad tidings of salvation were

published to the world, with equally glad tidings of joy to all people, of peace on earth, good will towards men. Nor did Christianity in it's subsequent advances and triumphs over the powers of Sin and Darkness, ever use a language different from what it spake from the beginning---the language of love, gentleness, and universal benevolence. Full of Grace were the words which flowed from our Lord's mouth; addressed to the tenderest affections of the human heart, and calculated to sooth the unruly passions by precepts "*smoother than oil, sweeter than honey and the honey-comb.*" They ever represent and treat Man as born for the Society of his Fellow-creatures on earth, as well as that of Angels in Heaven; and affectionately prepare him for the full enjoyment of present and future bliss. Thus it has pleased the Author of our Faith, in this sense at least, to establish his *kingdom* in this *world* as well as the *next*; in this enlarged view to *make both one*, to reconcile in *one body* the whole *family* of his true Disciples by a *Gospel of Peace*.

And yet this very circumstance of a meek and patient spirit has been thought to bear no favourable

avourable aspect to the success of human polity; where the wisdom esteemed so necessary to be employed in the mystery of government, seems very inconsistent with the honest plainness, and simplicity of the Children of Light; where wars and rapine are so often wantonly let loose by ambition, or caprice, to ravage and lay waste an innocent land; and the refined intrigues of State Subtlety are not unfrequently carried on without any regard to the moral justice or probity of State-measures. The objection indeed might have some weight, had it been the design of Religion to scatter *firebrands, arrows and death around*; to *set the battle in array*, or *build up Sion with blood and Iniquity*. Far different was the business of the Prince of Peace; He came in the Spirit of meekness and charity, not to *destroy men's lives but to save them*. He came not to establish a system of worldly politics, but to erect a pure, and spotless kingdom in the hearts of men, a kingdom whose sceptre is *Righteousness*, whose throne is *Justice, Mercy, and Truth*.

If however *Christianity* has been represented as too cold and languid to keep the machine of government in due vi-

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geur and activity, yet on the other hand (so great is the inconsistency and contradiction of Infidelity!) the inflammatory spirit of the Gospel has been imagined to be productive of consequences which greatly overbalance the good designed by it's promulgation. Horrid indeed have been the havock and massacres, that the cruelty, bigotry, and superstition, of a mistaken and furious zeal have dealt around the world. Our Lord, by no means ignorant of the future corruption of his doctrine, foresaw and foretold that his coming would, instead of peace, send *Fire and Sword on Earth*, would set at variance the closest family-connexions; and experience has too fatally fulfilled the prophecy. But what pure and perfect gift of Heaven has not met with the same fate, when entrusted to the care and management of a *sinful generation*? The most innocent productions of Nature have by many processes, and much art, been unaccountably worked up into the most noxious and baneful poisons. No wonder then if even a *Gospel of Meekness and Peace* should suffer in common with other gracious blessings from above; should be perverted to purposes very foreign from it's native temper; should

should meet with no greater favour or respect upon earth than it's meek and merciful Author had experienced; though *no sin, no guile or malice* was found *in his mouth*. In itself all love, all joy, and benevolence, it wishes to extend it's benign influence over all people, and bring forth fruit, suitable to the original, in our lives and conversations. The fruit of it is *love, joy, peace, long-suffering, gentleness, goodness, faith, meekness, temperance, and patience*, and every amiable virtue.--Nor is there any precept more conducive to promote this great work, and the general good of mankind, than what is recommended in the Text: "*Avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord.*"

SOME reflections on the importance of this rule, and the annexed reason given to engage our obedience to it, will afford sufficient matter for our present consideration.

1st. "*Avenge not yourselves, but rather give place unto wrath.*"

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THIS Precept, though of infinite concern to the Peace of Society (*in the peace whereof we can only hope to have peace*) seems wholly reserved for the distinguishing character of the Christian Dispensation. Few, if any, of the Teachers of Morality ever adopted this generous principle into their systems, or practice. Few, if any, disallowed the Retaliation of Injuries, which is utterly inconsistent with that Poverty of Spirit, that refined Duty of Charity, so strongly recommended to the Disciples of Christ, so essentially necessary to promote the great design of *overcoming evil with good*. Evil, of some sort or other, falls to the lot of human life; and as long as human nature continues to be what it is, composed of passions, frailty, sin and corruption, it *must needs be that offences will come*. It is the Christian's duty, by *forbearing and forgiving one another in love*, to improve them to his advantage, and turn even the Wrath of Man to the Praise of God.

INJURIES may be considered as respecting either our *property*, our *persons* or *character*; but whatever form they may assume, however interesting in their consequences, or provoking

voking in their circumstances, the Sufferer is equally forbidden to claim to himself the Power of Vengeance, or in any way *resist the evil*, i. e. to repay, as his own inclination may will, the evil brought on him by a similar return of evil. Redress may with great reason be expected from the hands of public authority, but will come with a very ill grace from his own. But if this should fail his expectations in the day of need, the Text will advise him not to right himself by any act of revenge, but rather to *take wrong*, to suffer it to vent it's fill of malice, and give *place unto wrath*; i. e. patiently to commit the resentment of those sufferings to the God of Wrath, who will certainly judge his cause, as he himself has told us, "*Vengeance is mine; I will repay.*"

OccASION has been taken from this amiable Spirit of Gentleness and Forbearance in the Gospel, so far to extend it's influence over it's followers, as to leave nothing better than this passive tameness for their comfort, support and security, against the violence of every *Roaring Lion* and *Evening Wolf* of Rapine in their perilous passage through life. Hard indeed would be the fate

fate of Christians, grievously heavy the yoke of Christianity; if it left them at the mercy of an oppressive world, exposed to every insult, yet deprived of all power of resistance; doomed to be of all men most miserable by being forbidden to take vengeance of injuries themselves, or to apply for it to those powers who were ordained by God to fill the seat of vengeance, and whose act in these cases is pronounced to be the act of God. However unnatural and unscriptural this notion may be, it will not perhaps be improper to take notice of the two passages in Holy Writ which have been thought to speak most in it's favour. The first appears in St. Matthew's Gospel; where our blessed Lord gives this advice; "*Whosoever shall smite thee on the right cheek; turn to him the other also:*" --- and, "*If any man will sue thee at the law, and take away thy coat, let him have thy cloak also.*" The mode of expression here is elliptical; and as it frequently occurs in Holy Scripture, must be understood in a *comparative*, not *absolute* sense, and in it's full meaning expressive, not of a *positive*, but *comparative*, command; which amounts only to this, that if any affronts or personal injuries

ries be offered, such as that of *smiting us on the right cheek*, we are instructed *rather* to turn to him the *other also*; than avenge ourselves by retaliating the same insolent usage on the aggressor. And again, in case of any violence or attack on property, if any man will sue thee *at the law* and *take away thy coat*, *rather* submit to let him *have thy cloak also*; *rather* be content to endure even a further loss, than endeavour to redress the wrong by similar acts of fraud and iniquity. In each case there is no positive rule advanced, but it is recommended as the wisest step, and most suitable to Christian Charity, *rather* to bear with patience the *greatest* injustice, than through desire of revenge, commit the *least*.

THE other Scripture-passage is to be found in St. Paul's Address to his Corinthian Converts expressed in words which seem to condemn all law proceedings among Brethren of the same Faith. "There is utterly a fault, says the Apostle, amongst you, because ye go to law one with another. Why do ye not rather take wrong? Why do ye not rather suffer yourselves to be defrauded?" But the drift of the Apostle's reasoning will

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determine the words to a sense far different from that which they have been thought to countenance. For (as it has been well observed from this place on a like occasion)*

“ 1st. The disputes here referred to amongst those primitive Believers, related only to small and *inconsiderable* matters, such as might easily have been accommodated, without going to law one with another, by an arbitration among themselves; as appears from what he says at the third Verse of that Chapter; “ *Are ye unworthy to judge of the smallest matters?*” “ 2dly. He likewise intimates in the first and sixth Verses, that it gave too great a scandal to the Christian Religion to bring such trivial causes before the judicatories of Unbelievers.”

And, 3dly, “ In greater and more important concerns, his own practice may convince us that he thought it no prejudice to the purity of the Gospel, if he himself appealed unto *Cæsar*. And therefore, notwithstanding this supposed prohibition in the above passage, what the same Apostle says of the *Levitical* law is applicable to all legal proceedings; *We know that the Law is good, if a man use it lawfully.*” The words certainly imply, that the Law may be used

* See Fenton’s Affise Sermon.

used *unlawfully*, and then only it will cease to be *good*. Gospel meekness and Charity no where forbids an appeal to Courts of Judicature, if the cause be *lawful*, and carried on with *Meekness* and *Charity*. When vexatious and frivolous suits take their rise from a Spirit of Malice and Revenge, from a malignity of temper, that rejoices in promoting strife, contention, and discord among men, the common principles of Humanity, as well as those of Religion, will pronounce an appeal to law, *unlawful*. In cases of real injuries, of consequence to our *person*, *property*, or *character*, where no adequate satisfaction can otherwise be obtained; where the demand may be made in equity, and supported without bitterness and hatred, the Voice of Nature will encourage a Christian to apply for redress, where the *Law* for redress is *open*; the Voice of Christianity will assure him, that in such cases the *Law* is *good*, and the use of it most religiously *lawful*.

YET after all this generous provision by the Laws of God and Man for the redress of injuries, instances have not been wanting of many, under the character of Men of Spirit

and Courage, who, by assuming into their own hands the right of the Sword of Judgment, have dared *avenge themselves* in the day of combat. Men of spirit and courage they certainly *may* be; but little know of what spirit and courage they *ought* to be--- a spirit resembling the meekness of Christ; a courage founded on the fear of God and obedience to the laws of the community. But setting aside this religious consideration, it may be proper to remind these mighty men of valour, that in a nation raised to the highest pitch of human grandeur and dominion by the noblest efforts of martial prowess, Duelling was a way of vindication perfectly scandalous. To fight a fellow-citizen was an act of infamy. Whenever any dispute arose or affront was offered, which the present times have fashionably termed a Punctilio of Honour, the challenge was to shew *uter utri anteferendus* in the field of battle, against the common enemy of their country, or ambition. There was the *locus probandæ virtutis*; then the *dies qui de controversiis judicaret* *. If the example might merit the

* Vide *Cæsar. Comment. de Bello Gall.* lib. 5.

imitation

imitation of modern heroes, their many virtues and inuch courage would become an honour and service to that Religion and Country which they now only tend to disgrace, and draw on their possessors the deserved censure of every well-wisher to mankind. But if such will not enough *learn Christ*, and the duty due to their fellow-creatures to abstain from this sinful practice of Revenge, it might perhaps be friendly in the legislature (with great deference be it spoken) to prevent, by a kind interposition, such rash invaders of the Prerogative of Heaven from being thus wantonly, in the prime and vigour of their days, hurried *alive into the grave*.

AND here we may take notice of another instance, where the precept in the text has been found greatly to fail in a due influence on human conduct; and that is in the injuries we bring upon ourselves. After a life infamously squandered away in riot and extravagancies, Man begins at last to find, he has been, through every scene of it, his own greatest foe. He is reduced to a state of enmity with his Maker, fellow-creatures, and himself; doomed to drag on the burthen,

burthen of his remaining days in variety of wretchedness, in poverty, and despair. Under these circumstances, the broken spirit, worn down with grief, has been too apt to revolt against the coolness of reflection, and persuade these sons of sorrow to rescue their patience from the fiery trial, and fly for refuge into the arms of a violent, self-sought death. Surely the slightest attention to the voice of Reason and Religion (if so still and small a voice might be heard in the House of Mourning) would stifle every dreadful wish of thus *avenging themselves*, and teach at least this one important lesson from misfortunes---Resignation to the Will of Heaven. The cup they are now to drink of is certainly the cup of wrath, and the heart-cutting thought that their own follies have procured the ingredients, will greatly embitter the nauseous draught. But still it is to be considered as *the cup of the Lord*; and at the hand of *the Lord* it must be drank; unless that hand shall think proper to remove it. 'Till this be done, man's duty is to submit, and rather patiently endure the utmost sufferings of this present world, than fly in the face of the God of Vengeance, and sharpen the *sting of Death*, through the whole

whole day of Eternity, by the dreadful and sacrilegious crime of self-murder.

IT remains to mention some short reflections on the reason expressed in the Text, for the observance of the precept there recommended, "*Vengeance is mine; I will repay, saith the Lord.*" What the Lord is said personally to do, generally means, in Scripture-phrase, what he permits or orders to be done by his representative agents. Their acts are called, and in truth are, his own. Thus, for instance; The Lord had appointed Samuel to be a *Judge and Prophet* in Israel; when he grew old, and his sons were found not to walk in his ways, the Elders of the people came to desire him to give them a King to judge them. The thing displeased Samuel, and he prayed unto the Lord: And the Lord said unto Samuel, *Hearken unto the voice of the people in all that they say unto thee; for they have not rejected thee, but they have rejected Me, that I should not reign over them.*" Thus again; when the Lord says, *Vengeance is mine, I will repay;*" the expression wholly relates to the civil powers to whom he has delegated the *Sword of Vengeance;* that *sword of the Lord,* which

(unless)

(unless it be borne in vain) will be ever ready to execute judgment and wrath upon evil-doers, and kindly exerted for the praise of them that do well. The institution of these powers is from the Lord ; they are his Vice-gerents ; they are Gods on earth, by him they reign, by him decree justice. The establishment of government was the affectionate act of Providence, out of pity to mankind, for public peace, order and security. The more perfect the several parts of it are, the more it must answer this end ; but the most imperfect that can be imagined, will be far preferable to a total want or deprivation of it. Consult the history of the Children of Israel ; it will tell you the overflowings of rapine, murder, idolatry, and every kind of ungodliness, never prevailed to so great a height, as when for their punishment Heaven had withdrawn the authority of a ruler. There was then no King in Israel, no Magistrate in the land to bring them to shame for any thing. When the Lord, says the Historian, was pleased to restore this much-wanted power, the Lord was with the judge, and delivered them, because of their groanings of repentance, all the days of the judge. He further adds, when the judge was dead, and no immediate

ate successor raised up among them, They returned and corrupted themselves more than their fathers ; they ceased not from their own doings, nor from their stubborn way. The reason is, that in those days there was no King in Israel ; every man did that which was right in his own eyes. The sure fate of nations in every age, when left to follow their own inventions, and become a prey to the savage horrors of anarchy and confusion.

THIS reflection should induce those who are blessed with a well-established constitution, to regard it with that awe and love which gratitude ought to pay to the most inestimable gift Heaven can bestow on the sons of men. Nor can this respectful awe and love be better expressed than by a *religious obedience* to the Rulers of God's People. When due honour is paid to the sacred name and character of Authority, the same will seldom be refused to those laws, which that authority must defend. " It has been thought " a proverb of reproach to one of the wisest " of antient nations, that the real wisdom " of their laws was wholly lost in the folly " of paying no attention to *them*." ---Far be it from me to pronounce this our present

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case ; but it is very easy to foresee that a contempt of the *Dispensers* of Laws will bring this reflection much too near home. If ever this should be our unfortunate case, unfortunate must we be beyond any human power of recovery ! But Religion teaches us to hope better things. It teaches that submission of *custom to whom custom, fear to whom fear, honour to whom honour, is due* : which will ever preserve the just power of the Magistrate, and happiness of Society.

GIVE me leave to *observe farther*, that this opinion of the divine institution of magistracy is the only true support of it's authority. Those who are willing to derive it from any other origin, sink it's influence below the very power of doing good. It soon will become an object of scorn and reproach. The *supreme* Magistrate will be familiarly treated, as if *not anointed with oil* ; and *subordinate ones*, as if never entrusted with the *sword of the Lord*. Whatever obedience is paid (if any be paid) to a government thus unhappily circumstanced, it will be the result of servile fear, the sure principle of hatred and contempt ; of hatred, when

when it cannot shake off the yoke ; of contempt, when by any means it can.

BUT the Disciple of Christ will obey not only *for wrath*, but also *for conscience sake* ; well knowing that *the powers that be are ordained of God*. To these powers he will pay a cheerful and *religious* obedience. *This*, like his faith, (whatever tumults the efforts of Sedition may raise in our streets) not given to change or waver, will remain one and the same, fixed and immovable in that which is right. His obedience, like the wise man's house in the Gospel, is built on a Rock ; “ *Let the rain descend, the floods come, the winds blow, and beat upon that House ; it will not fall : the reason is, that it is founded on a Rock : —* ” and Religion adds, THAT ROCK IS CHRIST.

F I N I S.

is a good example of the logic of course.

That Rock is Christ.

